



Trade Marks Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 248

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Marks Act 1995*.

Dated 14 October 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

KIM CARR
Minister for Innovation, Industry, Science and Research

1 Name of Regulations

These Regulations are the *Trade Marks Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Trade Marks Regulations 1995*

Schedule 1 amends the *Trade Marks Regulations 1995*.

Schedule 1 Amendment

(regulation 3)

[1] After regulation 8.3

insert

8.4 Amendment because of inconsistency with international agreements — notice of opposition

- (1) For subsection 83A (4) of the Act, a person may oppose a request for amendment by filing a notice of opposition with the Registrar.
- (2) A notice of opposition must be:
 - (a) in an approved form; and
 - (b) filed within 1 month after the request for amendment is advertised in the *Official Journal*.
- (3) The opponent must serve a copy of the notice on the registered owner of the registered trade mark.

8.5 Amendment because of inconsistency with international agreements — opposition proceedings

For subsection 83A (4) of the Act, regulations 5.7 to 5.17 (inclusive) apply to an opposition to a request for amendment as if references to the applicant, other than in regulation 5.15, were references to the registered owner of the registered trade mark who has requested an amendment.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.